General Assembly

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22 March 2005

Fifty-ninth session
Agenda item 105 (*b*)

Resolution adopted by the General Assembly

[*on the report of the Third Committee (A/59/503/Add.2)*]

59/195. Human rights and terrorism

The General Assembly,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights,[1] the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations[2] and the International Covenants on Human Rights,[3]

Recalling the Declaration on the Occasion of the Fiftieth Anniversary of the United Nations,[4] as well as the Declaration on Measures to Eliminate International Terrorism,[5]

Recalling also the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights on 25 June 1993,[6] in which the Conference reaffirmed that the acts, methods and practices of terrorism in all its forms and manifestations, as well as its linkage in some countries to drug trafficking, are activities aimed at the destruction of human rights, fundamental freedoms and democracy, threatening the territorial integrity and the security of States and destabilizing legitimately constituted Governments, and that the international community should take the necessary steps to enhance cooperation to prevent and combat terrorism,

Recalling further the United Nations Millennium Declaration adopted by the General Assembly,[7]

Recalling, in this regard, the reference in the report of the Secretary-General on the implementation of the Millennium Declaration to the fact that terrorism itself is a violation of human rights and must be combated as such and that efforts at

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[1] Resolution 217 A (III).
[2] Resolution 2625 (XXV), annex.
[3] Resolution 2200 A (XXI), annex.
[4] See resolution 50/6.
[5] Resolution 49/60, annex.
[6] A/CONF.157/24 (Part I), chap. III.
[7] See resolution 55/2.

combating it must be pursued, however, in full compliance with established international norms,[8]

Recalling also its resolutions 48/122 of 20 December 1993, 49/185 of 23 December 1994, 50/186 of 22 December 1995, 52/133 of 12 December 1997, 54/109 and 54/110 of 9 December 1999, 54/164 of 17 December 1999, 55/158 of 12 December 2000, 56/160 of 19 December 2001, 57/219 and 57/220 of 18 December 2002 and 58/174 of 22 December 2003,

Recalling in particular that, in its resolution 52/133, it requested the Secretary-General to seek the views of Member States on the implications of terrorism in all its forms and manifestations for the full enjoyment of human rights and fundamental freedoms,

Recalling previous resolutions of the Commission on Human Rights on the issue of human rights and terrorism, as well as on hostage-taking,

Bearing in mind all other relevant General Assembly resolutions,

Bearing in mind also relevant Security Council resolutions,

Aware that, at the dawn of the twenty-first century, the world is witness to historic and far-reaching transformations, in the course of which forces of aggressive nationalism and religious and ethnic extremism continue to produce fresh challenges,

Alarmed that acts of terrorism in all its forms and manifestations aimed at the destruction of human rights have continued despite national and international efforts,

Convinced that terrorism in all its forms and manifestations, wherever and by whomever committed, can never be justified in any instance, including as a means to promote and protect human rights,

Concerned that, despite the efforts of the international community, acts of hostage-taking in different forms and manifestations, inter alia, committed by terrorists and armed groups, continue to take place and have even increased in many regions of the world,

Bearing in mind that the right to life is the basic human right, without which a human being can exercise no other right,

Bearing in mind also that terrorism creates an environment that destroys the right of people to live in freedom from fear,

Reiterating that all States have an obligation to promote and protect all human rights and fundamental freedoms and to ensure effective implementation of their obligations under international law,

Seriously concerned about the gross violations of human rights perpetrated by terrorist groups,

Expressing its deepest sympathy and condolences to all the victims of terrorism and their families,

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[8] See A/58/323, para. 28.

Alarmed in particular at the possibility that terrorist groups may exploit new technologies to facilitate acts of terrorism, which may cause massive damage, including huge loss of human life,

Emphasizing the need to intensify the fight against terrorism at the national level, to enhance effective international cooperation in combating terrorism in conformity with international law, including relevant State obligations under international human rights and international humanitarian law, and to strengthen the role of the United Nations in this respect,

Emphasizing also that States shall deny safe haven to those who finance, plan, support or commit terrorist acts or provide safe havens,

Reaffirming that all measures to counter terrorism must be in strict conformity with international law, including international human rights standards and obligations,

Mindful of the need to protect the human rights of and guarantees for the individual in accordance with the relevant human rights principles and instruments, in particular the right to life,

Noting the growing consciousness within the international community of the negative effects of terrorism in all its forms and manifestations on the full enjoyment of human rights and fundamental freedoms and on the establishment of the rule of law and democratic freedoms as enshrined in the Charter of the United Nations and the International Covenants on Human Rights,

Concerned by the tendencies to link terrorism and violence with religion,

Noting the developments that have occurred since its fifty-eighth session on addressing the issue of human rights and terrorism at the national, regional and international levels,

1. *Reiterates its unequivocal condemnation* of the acts, methods and practices of terrorism in all its forms and manifestations as activities aimed at the destruction of human rights, fundamental freedoms and democracy, threatening the territorial integrity and the security of States, destabilizing legitimately constituted Governments, undermining pluralistic civil society and having adverse consequences for the economic and social development of States;

2. *Strongly condemns* the violations of the right to life, liberty and security;

3. *Rejects* the identification of terrorism with any religion, nationality or culture;

4. *Profoundly deplores* the increasing number of innocent persons, including women, children and the elderly, killed, massacred and maimed by terrorists in indiscriminate and random acts of violence and terror, which cannot be justified in any circumstances;

5. *Expresses its solidarity* with the victims of terrorism;

6. *Reaffirms* the decision of the Heads of State and Government, as contained in the United Nations Millennium Declaration,[7] to take concerted action against international terrorism and to accede as soon as possible to all the relevant regional and international conventions;

7. *Urges* the international community to enhance cooperation at the regional and international levels in the fight against terrorism in all its forms and manifestations, in accordance with relevant international instruments, including those relating to human rights, with the aim of its eradication;

8. *Calls upon* States to take all necessary and effective measures, in accordance with relevant provisions of international law, including international human rights standards, to prevent, combat and eliminate terrorism in all its forms and manifestations, wherever and by whomever it is committed, and also calls upon States to strengthen, where appropriate, their legislation to combat terrorism in all its forms and manifestations;

9. *Urges* all States to deny safe haven to terrorists;

10. *Calls upon* States to take appropriate measures, in conformity with relevant provisions of national and international law, including international human rights standards, before granting refugee status, for the purpose of ensuring that an asylum-seeker has not planned, facilitated or participated in the commission of terrorist acts, including assassinations, and to ensure, in conformity with international law, that refugee status is not abused by the perpetrators, organizers or facilitators of terrorist acts and that claims of political motivation are not recognized as grounds for refusing requests for the extradition of alleged terrorists;

11. *Urges* States and the Office of the United Nations High Commissioner for Refugees to review, with full respect for legal safeguards, the validity of a refugee status decision in an individual case if credible and relevant evidence comes to light which indicates that the person in question has planned, facilitated or participated in the commission of terrorist acts;

12. *Condemns* the incitement to ethnic hatred, violence and terrorism;

13. *Stresses* that every person, regardless of nationality, race, sex, religion or any other distinction, has a right to protection from terrorism and terrorist acts;

14. *Expresses concern* about the growing connection between terrorist groups and other criminal organizations engaged in the illegal traffic in arms and drugs at the national and international levels, as well as the consequent commission of serious crimes such as murder, extortion, kidnapping, assault, the taking of hostages and robbery, and requests the relevant United Nations bodies to continue to give special attention to this question;

15. *Requests* the Secretary-General to continue to seek the views of Member States on the implications of terrorism in all its forms and manifestations for the full enjoyment of all human rights and fundamental freedoms and on the possible establishment of a voluntary fund for the victims of terrorism, as well as on ways and means to rehabilitate the victims of terrorism and to reintegrate them into society, with a view to incorporating his findings in his report to the General Assembly;

16. *Takes note* of the work of the Subcommission on the Promotion and Protection of Human Rights on the issue of terrorism and the final report of the Special Rapporteur of the Subcommission on terrorism and human rights;[9]

[9] E/CN.4/Sub.2/2004/40.

17. *Requests* the Office of the United Nations High Commissioner for Human Rights, in the course of the examination of the question and in the conduct of any study on terrorism that may be mandated, and in its activities relating to the issue of terrorism, to adopt a comprehensive approach, in particular by giving full and equal attention to the issues raised in the present resolution with relation to the grave impact of terrorism on the enjoyment of the human rights of individuals;

18. *Decides* to consider the question at its sixtieth session under the item entitled "Human rights questions".

74th plenary meeting
20 December 2004

United Nations A/RES/59/196

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Resolution adopted by the General Assembly

[*on the report of the Third Committee (A/59/503/Add.2)*]

59/196. Regional arrangements for the promotion and protection of human rights

The General Assembly,

Recalling its resolution 32/127 of 16 December 1977 and its subsequent resolutions concerning regional arrangements for the promotion and protection of human rights,

Recalling also Commission on Human Rights resolution 1993/51 of 9 March 1993[1] and its subsequent resolutions in this regard,

Bearing in mind the relevant resolutions of the Commission on Human Rights concerning advisory services and technical cooperation in the field of human rights, including its most recent on that subject, resolution 2004/81 of 21 April 2004,[2]

Bearing in mind also the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights on 25 June 1993,[3] which reiterates, inter alia, the need to consider the possibility of establishing regional and subregional arrangements for the promotion and protection of human rights where they do not already exist,

Recalling that the World Conference recommended that more resources should be made available for the strengthening of regional arrangements for the promotion and protection of human rights under the programme of technical cooperation in the field of human rights of the Office of the United Nations High Commissioner for Human Rights,

Reaffirming that regional arrangements play an important role in promoting and protecting human rights and should reinforce universal human rights standards, as contained in international human rights instruments,

Noting the progress achieved thus far in the promotion and protection of human rights at the regional level under the auspices of the United Nations, the specialized agencies and the regional intergovernmental organizations,

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[1] See *Official Records of the Economic and Social Council, 1993, Supplement No. 3* and corrigenda (E/1993/23 and Corr.2, 4 and 5), chap. II, sect. A.

[2] Ibid., *2004, Supplement No. 3* (E/2004/23), chap II, sect. A.

[3] A/CONF.157/24 (Part I), chap. III.

Considering that cooperation between the United Nations and regional arrangements in the field of human rights continues to be both substantive and supportive and that possibilities exist for increased cooperation,

Welcoming the fact that the Office of the High Commissioner has been systematically pursuing a regional and subregional approach through a variety of complementary means and methods, in order to maximize the impact of the activities of the United Nations at the national level,

1. *Takes note with satisfaction* of the report of the Secretary-General;[4]

2. *Welcomes* the continuing cooperation and assistance of the Office of the United Nations High Commissioner for Human Rights in the further strengthening of the existing regional arrangements and regional machinery for the promotion and protection of human rights, in particular through technical cooperation aimed at national capacity-building, public information and education, with a view to exchanging information and experience in the field of human rights;

3. *Also welcomes*, in that respect, the close cooperation of the Office of the High Commissioner in the organization of regional and subregional training courses and workshops in the field of human rights, high-level governmental expert meetings and regional conferences of national human rights institutions, aimed at creating greater understanding in the regions of issues concerning the promotion and protection of human rights, improving procedures and examining the various systems for the promotion and protection of universally accepted human rights standards and identifying obstacles to ratification of the principal international human rights treaties and strategies to overcome them;

4. *Recognizes*, therefore, that progress in promoting and protecting all human rights depends primarily on efforts made at the national and local levels, and that the regional approach should imply intensive cooperation and coordination with all partners involved, while bearing in mind the importance of international cooperation;

5. *Stresses* the importance of the programme of technical cooperation in the field of human rights, renews its appeal to all Governments to consider making use of the possibilities offered by the United Nations under this programme of organizing information or training courses at the national level for government personnel on the application of international human rights standards and the experience of relevant international bodies, and notes with satisfaction, in that respect, the establishment of technical cooperation projects with Governments of all regions;

6. *Welcomes* the growing exchanges between the United Nations and the United Nations human rights treaty bodies, on the one hand, and regional organizations and institutions, including the Council of Europe, the Organization for Security and Cooperation in Europe, the League of Arab States, the Inter-American Commission on Human Rights and the African Commission on Human and Peoples' Rights, on the other;

7. *Also welcomes* the placement by the Office of the High Commissioner of regional representatives in subregions and in regional commissions;

[4] A/59/323.

8. *Further welcomes* the progress achieved in the establishment of regional and subregional arrangements for the promotion and protection of human rights, and, in this regard, notes with interest:

(*a*) The positive experience of the regional and subregional presence of the Office of the High Commissioner in southern, central and eastern Africa aimed at strengthening national and subregional human rights capacities;

(*b*) The support provided by the Office of the High Commissioner to the African Union for the strengthening of its human rights system, and welcomes in this regard the entry into force of the Protocol to the African Charter on Human and Peoples' Rights and the establishment of an African Court on Human and Peoples' Rights;

(*c*) The increased, valuable sharing of concrete national experiences at the eleventh and twelfth Workshops on Regional Cooperation for the Promotion and Protection of Human Rights in the Asian and Pacific Region, held in Islamabad from 25 to 27 February 2003 and in Doha from 2 to 4 March 2004, respectively, regarding the implementation of the Framework of Regional Technical Cooperation for the Asia-Pacific Region, which contributes to the enhancement of the promotion and protection of human rights in the region;

(*d*) Activities undertaken within the framework of the regional project of the Office of the High Commissioner for the promotion and protection of human rights in the Latin American and Caribbean region and the strengthening of the cooperation between the Office of the High Commissioner, the Organization of American States and the Inter-American Commission on Human Rights;

(*e*) Activities undertaken within the framework of cooperation between the Office of the High Commissioner and the League of Arab States and the intention to develop a broader technical cooperation programme in cooperation with the League of Arab States following the recent adoption of the Arab Charter on Human Rights;

(*f*) The continued cooperation between the Office of the High Commissioner and regional organizations in Europe and Central Asia, namely the Organization for Security and Cooperation in Europe, the Council of Europe and the European Union, in particular for activities at the country level, as well as the agreements between the European Commission and the Office of the High Commissioner for financing technical cooperation projects;

9. *Invites* States in areas in which regional arrangements in the field of human rights do not yet exist to consider concluding agreements with a view to establishing, within their respective regions, suitable regional machinery for the promotion and protection of human rights;

10. *Requests* the Secretary-General, as foreseen in programme 19, Human rights, of the revised medium-term plan for the period 2002–2005,[5] to continue to strengthen exchanges between the United Nations and regional intergovernmental organizations dealing with human rights and to make available adequate resources from within the regular budget of technical cooperation to the activities of the Office of the High Commissioner to promote regional arrangements;

[5] See *Official Records of the General Assembly, Fifty-seventh Session, Supplement No. 6* and corrigendum (A/57/6/Rev.1 and Corr.1).

11. *Requests* the Office of the High Commissioner to continue to pay special attention to the most appropriate ways of assisting countries of the various regions, at their request, under the programme of technical cooperation and to make, where necessary, relevant recommendations, and in this regard welcomes the decision of the Office to strengthen national protection systems in accordance with action 2 of the reform programme of the Secretary-General;[5]

12. *Invites* the Secretary General to provide, in the report that he will submit to the Commission on Human Rights at its sixty-first session, information on progress made since the adoption of the Vienna Declaration and Programme of Action[3] on reinforcing the exchange of information and extending collaboration between the organs of the United Nations dealing with human rights and regional organizations in the field of the promotion and protection of human rights;

13. *Requests* the Secretary General to submit to the General Assembly at its sixty-first session a report on the state of regional arrangements for the promotion and protection of human rights, formulating concrete proposals and recommendations on ways and means to strengthen cooperation between the United Nations and regional arrangements in the field of human rights, and to include therein the results of action taken in pursuance of the present resolution;

14. *Decides* to consider the question further at its sixty-first session.

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[5] See A/57/387 and Corr.1.

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Resolution adopted by the General Assembly

[*on the report of the Third Committee (A/59/503/Add.2)*]

59/197. Extrajudicial, summary or arbitrary executions

The General Assembly,

Recalling the Universal Declaration of Human Rights,[1] which guarantees the right to life, liberty and security of person, and the relevant provisions of the International Covenant on Civil and Political Rights,[2]

Having regard to the legal framework of the mandate of the Special Rapporteur of the Commission on Human Rights on extrajudicial, summary or arbitrary executions, including the provisions contained in Commission on Human Rights resolutions 1992/72 of 5 March 1992[3] and 2001/45 of 23 April 2001,[4] as well as General Assembly resolution 47/136 of 18 December 1992,

Noting its resolutions on the subject of extrajudicial, summary or arbitrary executions and the resolutions of the Commission on Human Rights on the subject,

Recalling Economic and Social Council resolution 1984/50 of 25 May 1984 and the safeguards guaranteeing protection of the rights of those facing the death penalty, annexed thereto, and Council resolution 1989/64 of 24 May 1989 on their implementation, as well as the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power adopted by the General Assembly in its resolution 40/34 of 29 November 1985,

Recalling also Economic and Social Council resolution 1989/65 of 24 May 1989, in which the Council recommended the Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions,

Convinced of the need for effective action to combat and to eliminate the abhorrent practice of extrajudicial, summary or arbitrary executions, which represent a flagrant violation of the right to life,

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[1] Resolution 217 A (III).

[2] See resolution 2200 A (XXI), annex.

[3] See *Official Records of the Economic and Social Council, 1992, Supplement No. 2* (E/1992/22), chap. II, sect. A.

[4] Ibid., *2001, Supplement No. 3* (E/2001/23), chap. II, sect. A.

1. *Strongly condemns once again* all the extrajudicial, summary or arbitrary executions that continue to occur throughout the world;

2. *Demands* that all Governments ensure that the practice of extrajudicial, summary or arbitrary executions is brought to an end and that they take effective action to combat and eliminate the phenomenon in all its forms;

3. *Notes with grave concern* that situations of extrajudicial, summary or arbitrary executions may, under certain circumstances, result in genocide or crimes against humanity, as defined in the Convention on the Prevention and Punishment of the Crime of Genocide[5] and other relevant international instruments;

4. *Notes with deep concern* that impunity continues to be a major cause of the perpetuation of violations of human rights, including extrajudicial, summary or arbitrary executions;

5. *Reiterates* the obligation of all Governments to conduct exhaustive and impartial investigations into all suspected cases of extrajudicial, summary or arbitrary executions, to identify and bring to justice those responsible, while ensuring the right of every person to a fair and public hearing by a competent, independent and impartial tribunal established by law, to grant adequate compensation within a reasonable time to the victims or their families, and to adopt all necessary measures, including legal and judicial measures, to put an end to impunity and to prevent the further occurrence of such executions;

6. *Acknowledges* the establishment of the International Criminal Court as an important contribution to ending impunity concerning extrajudicial, summary or arbitrary executions and the fact that ninety-seven States have already ratified or acceded to and one hundred and thirty-nine States have signed the Rome Statute,[6] and calls upon all other States to consider becoming parties to the Statute;

7. *Calls upon* all States in which the death penalty has not been abolished to comply with their obligations under relevant provisions of international human rights instruments, including in particular articles 6, 7 and 14 of the International Covenant on Civil and Political Rights[2] and articles 37 and 40 of the Convention on the Rights of the Child,[7] bearing in mind the safeguards and guarantees set out in Economic and Social Council resolutions 1984/50 and 1989/64;

8. *Urges* all Governments:

(*a*) To take all necessary measures to prevent the occurrence of extrajudicial, summary or arbitrary executions, including those occurring in custody;

(*b*) To take all necessary and possible measures, in conformity with international human rights law and international humanitarian law, to prevent loss of life, in particular that of children, during public demonstrations, internal and communal violence, civil unrest and public emergencies or armed conflicts, and to ensure that the police, law enforcement agents and security forces act with restraint and in conformity with international human rights law and international humanitarian law;

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[5] Resolution 260 A (III), annex.

[6] *Official Records of the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court, Rome, 15 June–17 July 1998*, vol. I: *Final documents* (United Nations publication, Sales No. E.02.I.5), sect. A.

[7] United Nations, *Treaty Series*, vol. 1577, No. 27531.

(*c*) To ensure the effective protection of the right to life of all persons under their jurisdiction and to investigate promptly and thoroughly all killings, including those targeted at specific groups of persons, such as racially motivated violence leading to the death of the victim, killings of members of national, ethnic, religious or linguistic minorities, of refugees, internally displaced persons, migrants, street children or members of indigenous communities, killings of persons for reasons related to their peaceful activities as human rights defenders, lawyers, journalists or demonstrators, killings committed in the name of passion or in the name of honour, all killings committed for any discriminatory reason, including sexual orientation, as well as all other cases where a person's right to life has been violated, and to bring those responsible to justice before a competent, independent and impartial judiciary and to ensure that such killings, including those committed by security forces, police and law enforcement agents, paramilitary groups or private forces, are neither condoned nor sanctioned by State officials or personnel;

9. *Encourages* Governments and intergovernmental and non-governmental organizations to organize training programmes and to support projects with a view to training or educating military forces, law enforcement officers and government officials in human rights and humanitarian law issues connected with their work and to include a gender perspective in such training, and appeals to the international community and requests the Office of the United Nations High Commissioner for Human Rights to support endeavours to that end;

10. *Reaffirms* Economic and Social Council decision 2004/259 of 22 July 2004, by which the Council endorsed the decision of the Commission on Human Rights to extend the mandate of the Special Rapporteur of the Commission on Human Rights on extrajudicial, summary or arbitrary executions for three years;

11. *Takes note* of the interim report of the Special Rapporteur to the General Assembly;[5]

12. *Commends* the important role that the Special Rapporteur plays towards the elimination of extrajudicial, summary or arbitrary executions, and encourages the Special Rapporteur to continue, within his mandate, to collect information from all concerned, to respond effectively to reliable information that comes before him, to follow up on communications and country visits and to seek the views and comments of Governments and to reflect them, as appropriate, in his reports;

13. *Urges* the Special Rapporteur to continue, within his mandate, to bring to the attention of the United Nations High Commissioner for Human Rights and, as appropriate, the Special Adviser to the Secretary-General on the Prevention of Genocide, situations of extrajudicial, summary or arbitrary executions that are of particularly serious concern or in which early action might prevent further deterioration;

14. *Welcomes* the cooperation established between the Special Rapporteur and other United Nations mechanisms and procedures relating to human rights, as well as with medical and forensic experts, and encourages the Special Rapporteur to continue efforts in that regard;

15. *Urges* all Governments, in particular those that have not yet done so, to respond in a timely manner to the communications and requests for information transmitted to them by the Special Rapporteur, and urges them and all others

[5] See A/59/319.

concerned to cooperate with and assist the Special Rapporteur so that he may carry out his mandate effectively, including, where appropriate, by issuing invitations to the Special Rapporteur when he so requests;

16. *Expresses its appreciation* to those Governments that have invited the Special Rapporteur to visit their countries, asks them to examine carefully the recommendations made by the Special Rapporteur, invites them to inform the Special Rapporteur of the actions taken on those recommendations, and requests other Governments to cooperate in a similar way;

17. *Again requests* the Secretary-General to continue to use his best endeavours in cases where the minimum standards of legal safeguards provided for in articles 6, 9, 14 and 15 of the International Covenant on Civil and Political Rights appear not to have been respected;

18. *Requests* the Secretary-General to provide the Special Rapporteur with adequate human, financial and material resources to enable him to carry out his mandate effectively, including through country visits;

19. *Also requests* the Secretary-General to continue, in close collaboration with the High Commissioner, in conformity with the mandate of the High Commissioner established by the General Assembly in its resolution 48/141 of 20 December 1993, to ensure that personnel specialized in human rights and humanitarian law issues form part of United Nations missions, where appropriate, in order to deal with serious violations of human rights, such as extrajudicial, summary or arbitrary executions;

20. *Requests* the Special Rapporteur to submit an interim report to the General Assembly at its sixty-first session on the situation worldwide in regard to extrajudicial, summary or arbitrary executions and his recommendations for more effective action to combat this phenomenon.

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[*on the report of the Third Committee (A/59/503/Add.2)*]

59/198. Ad Hoc Committee on a Comprehensive and Integral International Convention on the Protection and Promotion of the Rights and Dignity of Persons with Disabilities

The General Assembly,

Recalling its resolution 56/168 of 19 December 2001, by which it decided to establish an Ad Hoc Committee, open to the participation of all Member States and observers to the United Nations, to consider proposals for a comprehensive and integral international convention to promote and protect the rights and dignity of persons with disabilities, based on a holistic approach in the work done in the fields of social development, human rights and non-discrimination and taking into account the recommendations of the Commission on Human Rights and the Commission for Social Development,

Recalling also its resolution 58/246 of 23 December 2003, as well as relevant resolutions of the Commission for Social Development and the Commission on Human Rights,

Reaffirming the universality, indivisibility and interdependence of all human rights and fundamental freedoms and the need for persons with disabilities to be guaranteed their full enjoyment without discrimination,

Convinced of the contribution that a convention can make in this regard, and encouraged by the increased support of the international community for such a convention,

Stressing the importance of the active participation of intergovernmental and non-governmental organizations and national human rights institutions in the work of the Ad Hoc Committee, and their valuable contribution to the promotion of the full enjoyment of all human rights and fundamental freedoms by persons with disabilities,

Underlining the importance of the participation of the Special Rapporteur on disability of the Commission for Social Development in the work of the Ad Hoc Committee,

Recognizing the important contributions made thus far to the Ad Hoc Committee by all stakeholders,

1. *Welcomes* the report of the Ad Hoc Committee on a Comprehensive and Integral International Convention on the Protection and Promotion of the Rights and Dignity of Persons with Disabilities;[1]

2. *Requests* the Secretary-General to transmit the report of the Ad Hoc Committee to the Commission for Social Development at its forty-third session and to the Commission on Human Rights at its sixty-first session, and further requests both Commissions to continue to contribute to the work of the Ad Hoc Committee;

3. *Welcomes with satisfaction* the beginning of the negotiations on a draft convention by the Ad Hoc Committee at its third session, as requested by the General Assembly in resolution 58/246, and the progress achieved so far in the negotiation of a draft convention;

4. *Invites* Member States and observers to continue to participate actively and constructively in the Ad Hoc Committee with a view to the early conclusion of a draft text of a convention, in order to present it to the General Assembly, as a matter of priority, for its adoption;

5. *Decides* that the Ad Hoc Committee shall hold, within existing resources, prior to the sixtieth session of the General Assembly, two sessions in 2005, of ten working days each, to be held, respectively, from 24 January to 4 February and in July/August;

6. *Underlines* the importance of further strengthening the cooperation and coordination between the Office of the United Nations High Commissioner for Human Rights and the Department of Economic and Social Affairs of the Secretariat in order to provide technical support to the work of the Ad Hoc Committee, and in this regard invites them to provide, in advance of the meetings of the Ad Hoc Committee, background documentation to assist Member States and observers in the negotiation of a draft convention, and to organize, in close connection and timing with the meetings and venue of the Ad Hoc Committee, meetings of experts and seminars in relation to the draft convention, within existing resources;

7. *Requests* the Secretary-General to continue to provide the Ad Hoc Committee with the facilities necessary for the performance of its work, and in this context invites the Secretary-General to reallocate resources to the United Nations Programme on Disability so as to provide support to the negotiations on a draft convention;

8. *Stresses* the need for additional efforts to ensure accessibility at the United Nations, with reasonable accommodation regarding facilities and documentation, for all persons with disabilities, in accordance with General Assembly decision 56/474 of 22 July 2002;

9. *Encourages* Member States to continue to include in their delegations to the Ad Hoc Committee persons with disabilities and/or other experts in the field;

10. *Urges* Member States, observers, civil society and the private sector to contribute to the voluntary fund established pursuant to its resolution 57/229 of 18 December 2002 to support the participation of non-governmental organizations and experts from developing countries, in particular least developed countries, in the work of the Ad Hoc Committee;

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[1] See A/59/360.

11. *Requests* the Secretary-General to disseminate widely to non-governmental organizations all available information on accreditation procedures, modalities and supportive measures for their participation in the work of the Ad Hoc Committee, as well as the criteria for the financial assistance that is available through the voluntary fund;

12. *Also requests* the Secretary-General to transmit a comprehensive report of the Ad Hoc Committee and to report on the implementation of paragraphs 6, 7, 8 and 11 of the present resolution to the General Assembly at its sixtieth session.

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Resolution adopted by the General Assembly

[*on the report of the Third Committee (A/59/503/Add.2)*]

59/199. Elimination of all forms of religious intolerance

The General Assembly,

Recalling that all States have pledged themselves, under the Charter of the United Nations, to promote and encourage universal respect for and observance of human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

Reaffirming that discrimination against human beings on the grounds of religion or belief constitutes an affront to human dignity and a disavowal of the principles of the Charter,

Recalling article 18 of the Universal Declaration of Human Rights,[1] article 18 of the International Covenant on Civil and Political Rights[2] and paragraph 4 of the United Nations Millennium Declaration,[3]

Reaffirming its resolution 36/55 of 25 November 1981, by which it proclaimed the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief,

Noting the provisions of the Durban Declaration and Programme of Action adopted by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held in Durban, South Africa, from 31 August to 8 September 2001, aimed at combating religious intolerance,[4]

Emphasizing that the right to freedom of thought, conscience, religion and belief is far-reaching and profound and that it encompasses freedom of thought on all matters, personal conviction and the commitment to religion or belief, whether manifested individually or in community with others, and in public or in private,

Reaffirming the call, made eleven years ago in Vienna at the World Conference on Human Rights, for all Governments to take all appropriate measures in compliance with their international obligations and with due regard to their

[1] Resolution 217 A (III).

[2] See resolution 2200 A (XXI), annex.

[3] See resolution 55/2.

[4] See A/CONF.189/12 and Corr.1, chap. I.

respective legal systems to counter intolerance and related violence based on religion or belief, including practices of discrimination against women and the desecration of religious sites, recognizing that every individual has the right to freedom of thought, conscience, expression and religion,[5]

Underlining the important role of education in the promotion of tolerance, which involves the acceptance of and respect for diversity, and underlining also that education, in particular at school, should contribute in a meaningful way to the promotion of tolerance and the elimination of discrimination based on religion or belief,

Alarmed that serious instances of intolerance and discrimination on the grounds of religion or belief, including acts of violence, intimidation and coercion motivated by religious intolerance, continue to occur in many parts of the world and threaten the full enjoyment of human rights and fundamental freedoms,

Profoundly concerned at acts and situations of violence and discrimination resulting from religious intolerance that affect many women,

Deeply concerned at the overall rise in intolerance and discrimination on the grounds of religion or belief, including restrictive legislation, administrative regulations and discriminatory registration and the arbitrary application of these and other measures,

Seriously concerned at all attacks upon religious places, sites and shrines, including any deliberate destruction of relics and monuments,

Believing that further intensified efforts are therefore required to promote and protect the right to freedom of thought, conscience, religion or belief and to eliminate all forms of hatred, intolerance and discrimination based on religion or belief, as emphasized also at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance,

1. *Reaffirms* that freedom of thought, conscience, religion or belief is a human right derived from the inherent dignity of the human person and guaranteed to all without discrimination;

2. *Urges* States to ensure that their constitutional and legal systems provide effective guarantees of freedom of thought, conscience, religion or belief, including the provision of effective remedies in cases where the right to freedom of thought, conscience, religion or belief is violated;

3. *Also urges* States to ensure, in particular, that no one within their jurisdiction is, because of their religion or belief, deprived of the right to life, liberty and security of person, the right to freedom of expression, the right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment and the right not to be arbitrarily arrested or detained, and to protect their physical integrity and bring to justice all perpetrators of violations of these rights;

4. *Further urges* States, in conformity with international standards of human rights, to take all necessary action to combat hatred, intolerance and acts of violence, intimidation and coercion motivated by intolerance based on religion or belief, with particular regard to persons belonging to religious minorities;

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[5] See A/CONF.157/24 (Part I), chap. III, sect. II, para. 22.

5. *Urges* States to devote particular attention to combating all practices motivated by religion or belief which lead, directly or indirectly, to human rights violations and to discrimination against women;

6. *Emphasizes* that, as underlined by the Human Rights Committee, restrictions on the freedom to manifest religion or belief are permitted only if those limitations are prescribed by law, are necessary to protect public safety, order, health or morals or the fundamental rights and freedoms of others, and are applied in a manner that does not vitiate the right to freedom of thought, conscience and religion;

7. *Urges* States to ensure that all public officials and civil servants, including members of law enforcement bodies, the military and educators, in the course of their official duties, respect different religions and beliefs and do not discriminate on the grounds of religion or belief, and to ensure that all necessary and appropriate education or training is provided;

8. *Calls upon* all States to recognize, as provided for in the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, the right of all persons to worship or assemble in connection with a religion or belief and to establish and maintain places for those purposes;

9. *Recognizes with deep concern* the overall rise in instances of intolerance and violence directed against members of many religious communities in various parts of the world, including cases motivated by Islamophobia, anti-Semitism and Christianophobia;

10. *Further urges* States to exert their utmost efforts, in accordance with their national legislation and in conformity with international human rights standards, to ensure that religious places, sites and shrines are fully respected and protected, and to take additional measures in cases where they are vulnerable to desecration or destruction;

11. *Recognizes* that legislation alone is not enough to prevent violations of human rights, including the right to freedom of religion or belief, and that the exercise of tolerance and non-discrimination by persons and groups is necessary for the full realization of the aims of the Declaration, and in this regard invites States, religious bodies and civil society to undertake dialogue at all levels to promote greater tolerance, respect and understanding of freedom of religion or belief and to encourage and promote, through the educational system and by other means, understanding, tolerance and respect in matters relating to freedom of religion or belief;

12. *Emphasizes* the importance of a continued and strengthened dialogue among religions or beliefs, including as encompassed in the dialogue among civilizations, to promote greater tolerance, respect and mutual understanding;

13. *Takes note with appreciation* of the interim report of the Special Rapporteur of the Commission on Human Rights on freedom of religion or belief,[6] and encourages her continued efforts to examine incidents and governmental actions in all parts of the world that are incompatible with the provisions of the Declaration and to recommend remedial measures as appropriate;

[6] See A/59/366.

14. *Urges* all States to cooperate fully with the Special Rapporteur, including by considering favourably her requests to visit their countries so as to enable her to fulfil her mandate even more effectively, welcomes the initiatives of States to collaborate with the Special Rapporteur, and encourages civil society to continue its active collaboration with her;

15. *Urges* States to make all appropriate efforts to encourage those engaged in education to cultivate respect for all religions or beliefs, thereby promoting mutual understanding and tolerance;

16. *Encourages* Governments, when seeking the assistance of the United Nations Programme of Advisory Services and Technical Assistance in the Field of Human Rights, to consider, where appropriate, including requests for assistance in the field of the promotion and protection of the right to freedom of thought, conscience, religion or belief;

17. *Welcomes and encourages* the continuing efforts of non-governmental organizations and religious bodies and groups to promote the implementation and dissemination of the Declaration, and further encourages their work in relation to promoting freedom of religion or belief and in highlighting cases of religious intolerance, discrimination and persecution;

18. *Requests* the Commission on Human Rights to continue its consideration of measures to implement the Declaration;

19. *Requests* the Secretary-General to ensure that the Special Rapporteur receives the necessary resources to enable her to discharge her mandate fully;

20. *Decides* to consider the question of the elimination of all forms of religious intolerance at its sixtieth session under the item entitled "Human rights questions", and requests the Special Rapporteur to submit an interim report to the General Assembly on the question.

74th plenary meeting
20 December 2004

United Nations A/RES/59/200

General Assembly

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Fifty-ninth session
Agenda item 105 (*b*)

Resolution adopted by the General Assembly

[*on the report of the Third Committee (A/59/503/Add.2)*]

59/200. Question of enforced or involuntary disappearances

The General Assembly,

Guided by the purposes and principles set forth in the Charter of the United Nations, the Universal Declaration of Human Rights,[1] the International Covenants on Human Rights[2] and the other relevant international human rights instruments,

Recalling its resolution 33/173 of 20 December 1978 concerning disappeared persons and its resolutions on the question of enforced or involuntary disappearances, in particular resolution 57/215 of 18 December 2002,

Recalling also its resolution 47/133 of 18 December 1992 proclaiming the Declaration on the Protection of All Persons from Enforced Disappearance as a body of principles for all States,

Bearing in mind Commission on Human Rights resolution 2004/40 of 19 April 2004,[3]

Deeply concerned, in particular, by the intensification of enforced disappearances, including arrest, detention and abduction, where these are part of or amount to enforced disappearances, in various regions of the world and by the growing number of reports concerning the harassment, ill-treatment and intimidation of witnesses of disappearances or relatives of persons who have disappeared,

Taking note with interest of the initiatives taken at the national and international levels in order to end impunity,

Acknowledging the fact that acts of enforced disappearance, as defined in the Rome Statute of the International Criminal Court,[4] come within the jurisdiction of the Court as crimes against humanity,

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[1] Resolution 217 A (III).

[2] Resolution 2200 A (XXI), annex.

[3] See *Official Records of the Economic and Social Council, 2004, Supplement No. 3* (E/2004/23), chap. II, sect. A.

[4] *Official Records of the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court, Rome, 15 June–17 July 1998*, vol. I: *Final documents* (United Nations publication, Sales No. E.02.I.5), sect. A.

Convinced that further efforts are needed to promote wider awareness of and respect for the Declaration, and taking note in this regard of the report of the Secretary-General,[5]

Taking note of the report of the Working Group on Enforced or Involuntary Disappearances of the Commission on Human Rights,[6]

1. *Reaffirms* that any act of enforced disappearance is an offence to human dignity and a grave and flagrant violation of the human rights and fundamental freedoms proclaimed in the Universal Declaration of Human Rights[1] and reaffirmed and developed in other international instruments in this field, as well as a violation of the rules of international law; and that no State shall practise, permit or tolerate enforced disappearances as proclaimed in the Declaration on the Protection of All Persons from Enforced Disappearance;

2. *Urges* all Governments to take appropriate legislative or other steps to prevent and suppress the practice of enforced disappearances, in keeping with the Declaration, and to take action to that end at the national and regional levels and in cooperation with the United Nations, including through the provision of technical assistance;

3. *Calls upon* Governments to take steps to ensure that, when a state of emergency is introduced, the protection of human rights is ensured, in particular with regard to the prevention of enforced disappearances;

4. *Reminds* Governments that impunity with regard to enforced disappearances contributes to the perpetuation of this phenomenon and constitutes one of the obstacles to the elucidation of its manifestations, and in this respect also reminds them of the need to ensure that their competent authorities conduct prompt and impartial inquiries in all circumstances in which there is a reason to believe that an enforced disappearance has occurred in territory under their jurisdiction, and that, if allegations are confirmed, perpetrators should be prosecuted;

5. *Expresses its appreciation* to those Governments that are investigating, are cooperating at the international and bilateral levels, have developed or are developing appropriate mechanisms to investigate any cases of enforced disappearances that are brought to their attention and to prevent any such occurrences, and urges all the Governments concerned to expand their efforts in this area;

6. *Once again urges* the Governments concerned:

(*a*) To take steps to protect witnesses of enforced disappearances, human rights defenders acting against enforced disappearances, and the lawyers and families of disappeared persons against any intimidation or ill-treatment to which they may be subjected;

(*b*) To continue their efforts to elucidate the fate of disappeared persons;

(*c*) To make provision in their legal systems for machinery for victims of enforced or involuntary disappearances or their families to seek fair and adequate reparation;

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[5] A/59/341.

[6] E/CN.4/2004/58.

7. *Reaffirms* that all persons deprived of liberty must be released in a manner permitting reliable verification that they have actually been released and, further, have been released in conditions in which their physical integrity and ability to exercise their rights are assured;

8. *Encourages* States, as some have already done, to provide concrete information on measures taken to give effect to the Declaration, as well as obstacles encountered;

9. *Requests* all States to consider the possibility of disseminating the text of the Declaration in their respective national languages and to facilitate its dissemination in local languages;

10. *Notes* the action taken by non-governmental organizations to encourage implementation of the Declaration, and invites them to continue to facilitate its dissemination;

11. *Stresses* the importance of the work of the Working Group on Enforced or Involuntary Disappearances of the Commission on Human Rights, and encourages it in the execution of its mandate to continue to promote communication between the families of disappeared persons and the Governments concerned, in particular when ordinary channels have failed, with a view to ensuring that sufficiently documented and clearly identified individual cases are investigated and to ascertaining whether such information falls under its mandate and contains the required elements;

12. *Invites* the Working Group to continue to seek the views and comments of all concerned, including Member States, in preparing its reports;

13. *Also invites* the Working Group to identify obstacles to the realization of the provisions of the Declaration, to recommend ways of overcoming those obstacles and, in this regard, to continue a dialogue with Governments and relevant intergovernmental and non-governmental organizations;

14. *Encourages* the Working Group to continue to consider the question of impunity, in the light of the relevant provisions of the Declaration;

15. *Requests* the Working Group to pay the utmost attention to cases of children subjected to enforced disappearance and children of disappeared persons and to cooperate closely with the Governments concerned to search for and identify those children;

16. *Appeals* to the Governments concerned, in particular those that have not yet replied to the communications transmitted by the Working Group, to cooperate fully with it and, in particular, to reply promptly to its requests for information so that, while respecting its working methods based on discretion, it may perform its strictly humanitarian role;

17. *Encourages* the Governments concerned to give serious consideration to requests for visits to their countries by the Working Group so as to enable the Group to fulfil its mandate even more effectively;

18. *Expresses its profound thanks* to the many Governments that have cooperated with the Working Group and replied to its requests for information and to the Governments that have invited the Group to visit their countries, requests them to give all necessary attention to the recommendations of the Group, and invites them to inform the Group of any action they take on those recommendations;

19. *Calls upon* the Commission on Human Rights to continue to study this question as a matter of priority and to take any steps it may deem necessary to the pursuit of the task of the Working Group and to the follow-up to its recommendations when it considers the report to be submitted by the Group to the Commission at its sixty-first session;

20. *Renews its requests* to the Secretary-General to continue to provide the Working Group with all of the facilities it requires to perform its functions, especially for carrying out missions and following them up;

21. *Recalls* Economic and Social Council decision 2001/221 of 4 June 2001, in which the Council endorsed the decision of the Commission on Human Rights to create an intersessional open-ended working group, with the mandate to prepare a draft legally binding normative instrument for the protection of all persons from enforced disappearance;

22. *Welcomes* the decision of the Commission on Human Rights to convene the intersessional working group before its sixty-first session, with a view to the prompt completion of its work and the submission of its report to the Commission at its sixty-first session;

23. *Requests* the Secretary-General to keep it informed of the steps he takes to secure the widespread dissemination and promotion of the Declaration;

24. *Also requests* the Secretary-General to submit to it at its sixty-first session a report on the steps taken to implement the present resolution;

25. *Decides* to consider the question of enforced disappearances, in particular the implementation of the Declaration, at its sixtieth session, under the sub-item entitled "Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms".

74th plenary meeting
20 December 2004

United Nations A/RES/59/201

General Assembly

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Resolution adopted by the General Assembly

[*on the report of the Third Committee (A/59/503/Add.2)*]

59/201. Enhancing the role of regional, subregional and other organizations and arrangements in promoting and consolidating democracy

The General Assembly,

Reaffirming the purposes and principles set forth in the Charter of the United Nations,

Recalling its resolution 55/96 of 4 December 2000 and all relevant resolutions of the Commission on Human Rights, in particular resolutions 1999/57 of 27 April 1999,[1] 2000/47 of 25 April 2000,[2] 2001/41 of 23 April 2001,[3] 2002/46 of 23 April 2002,[4] 2003/36 of 23 April 2003[5] and 2004/30 of 19 April 2004,[6]

Recalling also that all peoples have the right to self-determination, by virtue of which they can freely determine their political status and freely pursue their economic, social and cultural development,

Reaffirming its resolve, expressed, inter alia, in the United Nations Millennium Declaration,[7] to implement the principles and practices of democracy, and recognizing the diverse nature of the community of the world's democracies,

1. *Declares* that the essential elements of democracy include respect for human rights and fundamental freedoms, inter alia, freedom of association and peaceful assembly and of expression and opinion, and the right to take part in the conduct of public affairs, directly or through freely chosen representatives, to vote and to be elected at genuine periodic free elections by universal and equal suffrage and by secret ballot guaranteeing the free expression of the will of the people, as well as a pluralistic system of political parties and organizations, respect for the rule

[1] See *Official Records of the Economic and Social Council, 1999, Supplement No. 3* (E/1999/23), chap. II, sect. A.

[2] Ibid., *2000, Supplement No. 3* and corrigendum (E/2000/23 and Corr.1), chap. II, sect. A.

[3] Ibid., *2001, Supplement No. 3* (E/2001/23), chap. II, sect. A.

[4] Ibid., *2002, Supplement No. 3* (E/2002/23), chap. II, sect. A.

[5] Ibid., *2003, Supplement No. 3* (E/2003/23), chap. II, sect. A.

[6] Ibid., *2004, Supplement No. 3* (E/2004/23), chap. II, sect. A.

[7] See resolution 55/2.

of law, the separation of powers, the independence of the judiciary, transparency and accountability in public administration, and free, independent and pluralistic media;

2. *Reaffirms* that the promotion and protection of all human rights is a basic prerequisite for the existence of a democratic society, and recognizes the importance of the continuous development and strengthening of the United Nations human rights mechanisms for the consolidation of democracy;

3. *Recognizes* the importance of all actions taken at the regional and subregional levels that are aimed at facilitating the establishment, development and consolidation of democratic institutions, based on democratic values and principles and capable of responding to the specific needs of the countries in each region;

4. *Acknowledges* the importance of better awareness of democratic values and principles in all regions and for all people;

5. *Reaffirms* that democracy, development and respect for all human rights and fundamental freedoms are interdependent and mutually reinforcing, that democracy is based on the freely expressed will of the people to determine their own political, economic, social and cultural systems and their full participation in all aspects of their lives and, in that context, that the promotion and protection of human rights and fundamental freedoms at the national, regional and international levels should be universal and conducted without conditions attached, the international community should support the strengthening and promoting of democracy, development and respect for human rights and fundamental freedoms in the entire world;

6. *Acknowledges* that democracy contributes substantially to preventing violent conflict, to accelerating reconciliation and reconstruction in post-conflict peacebuilding and, in peacetime, to resolving disputes that may impede economic and social progress;

7. *Recognizes* the need for Member States to pay further special attention and contribute to democratic institution-building by including relevant objectives to this effect in the mandates of peacemaking, peacekeeping and post-conflict peacebuilding operations and by providing adequate resources in that regard;

8. *Invites* intergovernmental regional, subregional and other organizations and arrangements, as well as non-governmental organizations, to engage actively in work at the local, national, subregional and regional levels for the constant promotion and consolidation of democracy and to initiate exchanges with the United Nations system on their experiences, inter alia, by:

(*a*) Identifying and disseminating best practices and experiences at the regional, subregional and cross-regional levels in promoting and protecting democratic processes;

(*b*) Establishing and supporting regional, subregional and national civic education programmes that provide access to information on democratic governance and stimulate dialogue on the functioning of democracy;

(*c*) Encouraging the study, in schools and universities, of democracy, human rights, good governance and the functioning of public administration, political institutions and civil society organizations;

(*d*) Elaborating and widely distributing reports, assessments, training material, handbooks, case studies and documentation on alternative types of

democratic constitutions, electoral systems and administration so as to assist populations in making more informed choices;

(*e*) Encouraging the use of democratic consultative mechanisms in disputes as an opportunity for the parties involved to advance their interests within institutional frameworks;

(*f*) Working with the focal point for democracy of the Office of the United Nations High Commissioner for Human Rights;

9. *Invites* States members of intergovernmental regional organizations and arrangements to include or reinforce the provisions of the constitutive acts of the organizations and arrangements that are aimed at promoting democratic values and principles and protecting and consolidating democracy in their respective societies;

10. *Welcomes* the adoption by various regional, subregional and other organizations and arrangements of institutional rules designed to prevent situations that threaten democratic institutions;

11. *Invites* intergovernmental regional organizations and arrangements to institutionalize dialogue among themselves on joint actions to promote and consolidate democracy and democratic practices in all areas;

12. *Encourages* Member States and intergovernmental regional and cross-regional organizations and arrangements, as well as non-governmental organizations, to initiate networks and partnerships with a view to assisting the Governments and civil society in their respective regions in disseminating knowledge and information about the role of democratic institutions and mechanisms in meeting the political, economic, social and cultural challenges in their respective societies;

13. *Urges* the continuation and expansion of activities carried out by the United Nations system, intergovernmental organizations and Member States to promote and consolidate democracy within the framework of international cooperation;

14. *Invites* the United Nations system to identify, develop and coordinate effective policies of assistance in the field of democracy and, in this context, to support programmes of technical assistance to States, upon their request, aimed at:

(*a*) Developing a competent, independent and impartial judiciary and accountable government institutions;

(*b*) Strengthening political party systems, free and independent media and civil society organizations;

(*c*) Fostering a democratic culture;

15. *Calls upon* the Office of the United Nations High Commissioner for Human Rights to stimulate dialogue and interaction within the United Nations system and between the United Nations system and interested intergovernmental regional, subregional and other organizations and arrangements on the ways and means of promoting democratic values and principles, on the basis of the present resolution and other relevant resolutions of the General Assembly and of the Commission on Human Rights, and, to this end, to invite, inter alia, the Department of Political Affairs of the Secretariat, including its Electoral Assistance Division, and the Department of Economic and Social Affairs of the Secretariat, the United Nations Development Programme, the International Labour Organization, the United Nations Educational, Scientific and Cultural Organization and regional

organizations to inform the Commission on Human Rights, at its sixty-first session, of action taken to promote and consolidate democracy;

16. *Requests* the Secretary-General to bring the present resolution to the attention of Member States.

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Agenda item 105 (*b*)

Resolution adopted by the General Assembly

[on the report of the Third Committee (A/59/503/Add.2)]

59/202. The right to food

The General Assembly,

Recalling its resolution 58/186 of 22 December 2003, as well as all Commission on Human Rights resolutions in this regard, in particular resolution 2004/19 of 16 April 2004,[1]

Recalling also the Universal Declaration of Human Rights,[2] which provides that everyone has the right to a standard of living adequate for her or his health and well-being, including food, the Universal Declaration on the Eradication of Hunger and Malnutrition,[3] and the United Nations Millennium Declaration,[4]

Recalling further the provisions of the International Covenant on Economic, Social and Cultural Rights,[5] in which the fundamental right of every person to be free from hunger is recognized,

Bearing in mind the Rome Declaration on World Food Security and the World Food Summit Plan of Action[6] and the Declaration of the World Food Summit: five years later, adopted in Rome on 13 June 2002,[7]

Reaffirming that all human rights are universal, indivisible, interdependent and interrelated,

Reaffirming also that a peaceful, stable and enabling political, social and economic environment, at both the national and the international levels, is the essential foundation that will enable States to give adequate priority to food security and poverty eradication,

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[1] See *Official Records of the Economic and Social Council, 2004, Supplement No. 3* (E/2004/23), chap. II, sect. A.

[2] Resolution 217 A (III).

[3] *Report of the World Food Conference, Rome, 5–16 November 1974* (United Nations publication, Sales No. E.75.II.A.3), chap. I.

[4] See resolution 55/2.

[5] See resolution 2200 A (XXI), annex.

[6] Food and Agriculture Organization of the United Nations, *Report of the World Food Summit, 13–17 November 1996* (WFS 96/REP), part one, appendix.

[7] Food and Agriculture Organization of the United Nations, *Report of the World Food Summit: five years later, 10–13 June 2002*, part one, appendix; see also A/57/499, annex.

Reiterating, as in the Rome Declaration on World Food Security and the Declaration of the World Food Summit: five years later, that food should not be used as an instrument of political or economic pressure, and reaffirming in this regard the importance of international cooperation and solidarity, as well as the necessity of refraining from unilateral measures that are not in accordance with international law and the Charter of the United Nations and that endanger food security,

Convinced that each State must adopt a strategy consistent with its resources and capacities to achieve its individual goals in implementing the recommendations contained in the Rome Declaration on World Food Security and the World Food Summit Plan of Action and, at the same time, cooperate regionally and internationally in order to organize collective solutions to global issues of food security in a world of increasingly interlinked institutions, societies and economies where coordinated efforts and shared responsibilities are essential,

Recognizing that the problems of hunger and food insecurity have global dimensions and that they are likely to persist and even to increase dramatically in some regions unless urgent, determined and concerted action is taken, given the anticipated increase in the world's population and the stress on natural resources,

Expressing its concern about the adverse impact on the realization of the right to food caused by many humanitarian emergencies, including plagues and natural disasters,

Stressing the importance of reversing the continuing decline of official development assistance devoted to agriculture, both in real terms and as a share of total official development assistance,

1. *Reaffirms* that hunger constitutes an outrage and a violation of human dignity and therefore requires the adoption of urgent measures at the national, regional and international levels for its elimination;

2. *Also reaffirms* the right of everyone to have access to safe and nutritious food, consistent with the right to adequate food and the fundamental right of everyone to be free from hunger, so as to be able to fully develop and maintain their physical and mental capacities;

3. *Considers it intolerable* that there are about 842 million undernourished people in the world, that every five seconds a child under the age of 5 dies from hunger-related diseases and that more than 2 billion people throughout the world suffer from "hidden hunger" or micronutrient malnutrition when, according to the Food and Agriculture Organization of the United Nations, the world produces more than enough food to feed its entire population;

4. *Expresses its concern* that women are disproportionately affected by hunger, food insecurity and poverty, in part as a result of gender inequality, that in many countries, girls are twice as likely as boys to die from malnutrition and preventable childhood diseases, and that it is estimated that almost twice as many women as men suffer from malnutrition;

5. *Encourages* all States to take steps with a view to achieving progressively the full realization of the right to food, including steps to promote the conditions for everyone to be free from hunger and, as soon as possible, to enjoy fully the right to food, and to create and adopt national plans to combat hunger;

6. *Requests* all States and private actors, as well as international organizations within their respective mandates, to take fully into account the need to

promote the effective realization of the right to food for all, including in the ongoing negotiations in different fields;

7. *Encourages* all States to take action to address discrimination against women, particularly where it contributes to the malnutrition of women and girls, including measures to ensure the realization of the right to food and ensuring that women have equal access to resources, including income, land and water, to enable them to feed themselves;

8. *Stresses* the need to make efforts to mobilize and optimize the allocation and utilization of technical and financial resources from all sources, including external debt relief for developing countries, and to reinforce national actions to implement sustainable food security policies;

9. *Welcomes* the meeting of world leaders for action against hunger and poverty, convened by the Presidents of Brazil, Chile and France and the Prime Minister of Spain, with the support of the Secretary-General, and the resulting New York Declaration on Action against Hunger and Poverty, which has been supported by one hundred and ten countries to date, and recommends the continuation of efforts aimed at identifying additional sources of financing for the fight against hunger and poverty;

10. *Recognizes* that the promises made at the World Food Summit in 1996 to halve the number of persons who are undernourished are not being fulfilled, and invites once again all international financial and developmental institutions, as well as the relevant United Nations agencies and funds, to give priority to and provide the necessary funding to realize the aim of halving by 2015 the proportion of people who suffer from hunger, as well as the right to food as set out in the Rome Declaration on World Food Security[6] and the United Nations Millennium Declaration;[4]

11. *Urges* States to give adequate priority in their development strategies and expenditures to the realization of the right to food;

12. *Takes note* of the interim report of the Special Rapporteur of the Commission on Human Rights on the right to food,[8] and commends the Special Rapporteur for his valuable work in the promotion of the right to food;

13. *Supports* the realization of the mandate of the Special Rapporteur as extended by the Commission on Human Rights in its resolution 2003/25 of 22 April 2003;[9]

14. *Expresses its appreciation* to the Special Rapporteur for his effective contribution to the medium-term review of the implementation of the Rome Declaration on World Food Security and the World Food Summit Plan of Action through the submission to the United Nations High Commissioner for Human Rights of his recommendations on all aspects of the right to food, and his participation in and contribution to the proceedings of that event;

15. *Encourages* the Special Rapporteur to continue mainstreaming a gender perspective in the activities relating to his mandate;

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[8] See A/59/385.

[9] See *Official Records of the Economic and Social Council, 2003, Supplement No. 3* (E/2003/23), chap. II, sect. A.

16. *Requests* the Secretary-General and the High Commissioner to provide all the necessary human and financial resources for the effective fulfilment of the mandate of the Special Rapporteur;

17. *Welcomes* the work already done by the Committee on Economic, Social and Cultural Rights in promoting the right to adequate food, in particular its general comment No. 12 (1999) on the right to adequate food (article 11 of the International Covenant on Economic, Social and Cultural Rights), in which the Committee affirmed, inter alia, that the right to adequate food is indivisibly linked to the inherent dignity of the human person and is indispensable for the fulfilment of other human rights enshrined in the International Bill of Human Rights, and is also inseparable from social justice, requiring the adoption of appropriate economic, environmental and social policies, at both the national and the international levels, oriented to the eradication of poverty and the fulfilment of all human rights for all;[10]

18. *Takes note* of general comment No. 15 (2002) of the Committee on Economic, Social and Cultural Rights on the right to water (articles 11 and 12 of the Covenant), in which the Committee noted, inter alia, the importance of ensuring sustainable water resources for human consumption and agriculture in realization of the right to adequate food;[11]

19. *Welcomes* the adoption by the Intergovernmental Working Group, as mandated by the Council of the Food and Agriculture Organization of the United Nations, of a set of voluntary guidelines to support the progressive realization of the right to adequate food in the context of national food security, as well as the endorsement by the Committee on World Food Security of the voluntary guidelines as submitted and its decision to transmit them to the Council for final adoption, and in this regard encourages States members of the Council to adopt the voluntary guidelines;

20. *Also welcomes* the continued cooperation of the High Commissioner, the Committee on Economic, Social and Cultural Rights and the Special Rapporteur, and encourages them to continue their cooperation in this regard;

21. *Requests* the Special Rapporteur to submit a comprehensive report to the Commission on Human Rights at its sixty-first session and an interim report to the General Assembly at its sixtieth session on the implementation of the present resolution;

22. *Invites* Governments, relevant United Nations agencies, funds and programmes, treaty bodies, civil society actors, including non-governmental organizations, as well as the private sector, to cooperate fully with the Special Rapporteur in the fulfilment of his mandate, inter alia, through the submission of comments and suggestions on ways and means of realizing the right to food;

23. *Decides* to continue the consideration of the question at its sixtieth session under the item entitled "Human rights questions".

74th plenary meeting
20 December 2004

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[10] Ibid., *2000, Supplement No. 2* and corrigendum (E/2000/22 and Corr.1), annex V, para. 4.

[11] Ibid., *2003, Supplement No. 2* (E/2003/22), annex IV.